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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,062	11/12/2003	Sushil Gupta	H-580	6361
41245	7590	10/01/2004	EXAMINER	
MARK LEVY & ASSOCIATES, PLLC PRESS BUILDING, SUITE 902 19 CHENANGO STREET BINGHAMTON, NY 13901			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,062	GUPTA, SUSHIL	
	Examiner	Art Unit	
	Jason M Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the switch must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 5, Line 2 – grammatical error – "is" should read as "are".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 5115382) in view of Shimada et al. (U.S. Patent 6554444).

4. With regards to Claim 1, Smith discloses a headlamp apparatus wherein there is an adjustable headband for placing on a user's head [Figure 1: (10)] and a forward-facing lamp housing [Figure 1: (12)] with a light source affixed centrally on the front side of the headband.

Smith does not teach the headband having two LED lamp housings.

Shimada teaches a gazing point illuminating device wherein there are two LED lamps [Figure 1: (5)] affixed to goggles.

It would have been obvious to modify the centrally located headlamp of Smith to incorporate the two LED lamp housings of Shimada in order to provide a compact, lightweight, and powerful illumination device to be worn by a user. It is also beneficial that two lamps be provided in illuminating different objects at different orientations or in combination at a focused point.

5. With regards to Claim 2, Smith teaches the lamp housing being independently pivotally affixed to the central position of the headband [Figure 5: (44); Column 6, Lines

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14-60], whereby light output from the lamp housing may be converged at a predetermined distance in front [Column 8, Lines 44-51].

6. With regards to Claim 3, Smith teaches the lamp housing providing means for focusing the light output [Figures 6&7; Column 6, Line 61 – Column 7, Line 14; Column 8, Lines 51-56].

7. With regards to Claim 4, Smith teaches the means for focusing the light having at least one reflector disposed proximate the light source [Figures 6&7; Column 7, Lines 15-19; Column 8, Lines 51-62].

8. With regards to Claim 7, Smith teaches the adjustable headband having a means for adjusting the headband to fit any user [Column 3, Line 64 – Column 4, Line 7].

9. With regard to Claims 8-9, Smith teaches a means for controlling the headlamp via a switch [Figure 3A: (84); Column 7, Lines 32-45].

10. With regards to Claim 10, Smith teaches the use of a battery [Figure 3A: (15); Column 7, Lines 34-35] in powering the lamp.

11. With regards to Claim 11, Smith teaches the use of multiple batteries for powering the lamp [Column 7, Lines 35-37].

12. With regards to Claim 12, Smith discloses the use of batteries attached to the headband for powering a headlamp [Column 1, Lines 50-54].

13. With regards to Claim 13, Smith discloses a battery housing [Figure 3A: (14)] disposed externally the headband.

14. With regards to Claim 14, Smith teaches a means whereby a user may replace one of the at least two batteries without interrupting light output via an electrical jack

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connected to a wall outlet [Column 3, Lines 10-39; Column 4, Lines 26-31]. Please further note that Smith teaches multiple batteries connected in parallel [Column 7, Lines 35-37], as well as the electrical jack connected in providing power parallel with the battery and lamp [Column 8, Lines 9-20].

15. With regards to Claim 15, it is inherent that the batteries provide means for regulating power in substantially maintaining constant light output (i.e. normally functioning dry cell batteries will not vary in voltage). If the applicant is referring to a circuit that regulates the power, then Smith further teaches electronics used to regulate voltage and current for the battery [Column 7, Line 46 – Column 8, Line 20].

16. With regards to Claim 16, Smith discloses a suction cup [Figure 5: (56)] disposed proximate an inside surface of the headband [Column 6, Lines 29-41].

17. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 5115382) in view of Shimada et al. (U.S. Patent 6554444) as applied to Claim 4 above, and further in view of Fisher et al. (U.S. Patent 4288844).

Smith in view of Shimada teach a headlamp as cited above wherein there is a lamp surrounded by a reflector from the rear.

Neither Smith nor Shimada teach an additional front reflector arranged to cooperatively gather light output from the lamp and its surrounding reflector.

Fisher teaches an electrically focused surgical light whereby multiple reflectors are disposed in rear [Figure 1A: (12)] and front [Figure 1A: (13, 14)] of a light source [Figure 1A: (15, 16)]. It should be further noted that the reflectors are designed in a parabolic shape for the desired optical effect (Claim 6).

It would have been obvious to modify the headlamp of Smith with the two LED lamp housings of Shimada to further incorporate the multiple reflectors of Fisher in offering greater optical control for the light. One such advantage is a spot/flood capability existing to provide a large pattern exposure simultaneously with secondary spotlighting [see Abstract of Fisher]. It is also obvious that the lamp assembly of Smith is functionally equivalent wherein the reflector and lens serve cooperatively in focusing the light.

18. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 5115382) in view of Shimada et al. (U.S. Patent 6554444).

19. With regards to Claim 17, Smith discloses a headlamp apparatus wherein there is an adjustable headband for placing on a user's head [Figure 1: (10)], a forward-facing lamp housing [Figure 1: (12)] affixed centrally on the front side of the headband, and a source of electrical power operatively connected to a lamp [Figure 1: (66)] within the housing [Figures 1-4: (12, 14, 80)].

Smith does not teach the headband having two LED lamp housings.

Shimada teaches a gazing point illuminating device wherein there are two LED lamps [Figure 1: (5)] affixed to goggles.

It would have been obvious to modify the centrally located headlamp of Smith to incorporate the two LED lamp housings of Shimada in order to provide a compact, lightweight, and powerful illumination device to be worn by a user. It is also beneficial that two lamps be provided in illuminating different objects at different orientations or in combination at a focused point.

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20. With regards to Claim 18, Smith teaches the lamp housing being independently pivotally affixed to the central position of the headband [Figure 5: (44); Column 6, Lines 14-60], whereby light output from the lamp housing may be converged at a predetermined distance in front [Column 8, Lines 44-51].

21. With regards to Claim 19, Smith teaches the electrical power having a rechargeable battery [Figure 3A: (15); Column 7, Lines 32-35].

22. With regards to Claim 20, Smith discloses a battery housing [Figure 3A: (14)] disposed externally the headband.

23. With regard to Claims 21-22, Smith teaches a means for controlling the headlamp via a switch [Figure 3A: (84); Column 7, Lines 32-45].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references have been cited to further show the state of the art pertinent to the current application:

U.S. Patent 3285242 to Wallace;

U.S. Patent 3645254 to Burton;

U.S. Patent 3665451 to Keith;

U.S. Patent 3676664 to Corvetti;

U.S. Patent 3745993 to Feinbloom;

U.S. Patent 3828201 to Allen, Sr.;

U.S. Patent 3830230 to Chester;

U.S. Patent 4631645 to Lenart;
U.S. Patent 4631644 to Dannhauer;
U.S. Patent 4794496 to Lanes et al.;
U.S. Patent 5028806 to Stewart et al.;
U.S. Patent 5163420 to Van Der Bel;
U.S. Patent 5722762 to Soll;
U.S. Patent 5774271 to Langerway et al.;
U.S. Patent 6121695 to Loh;
U.S. Patent 6224227 to Klootz;
U.S. Publication 2002/0186557 to Lary et al.;
U.S. Publication 2003/0067769 to Gilpin;
U.S. Publication 2003/0161152 to Jesurun et al;
U.S. Patent 5667291 to Caplan et al.;
U.S. Patent 6283620 to Taylor et al.;
U.S. Patent 6609913 to Batts.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH



JOHN ANTHONY WARD
PRIMARY EXAMINER